

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DARLINGTON AMADASU

Plaintiff

CASE No.: C-1-01-182
[Spiegel/Black]

**DECLARATION OF AMADASU IN SUPPORT
OF PLAINTIFF'S MOTION TO VACATE &
SET ASIDE 11/7/06 ORDER,**

Vs

MERCY FRANCISCAN HOSPITAL-WESTERN HILL, et al
Defendants

I, Darlington Amadasu, lay pro se plaintiff in this action, solemnly declare that I have personal knowledge of the facts and circumstances stated below and competence to testify to them, which are true, accurate to the best of my knowledge and belief and under the penalty of perjury pursuant to 28 U.S.C.A. 1746

1. I made this declaration in support of my motion for this court Order vacating and setting aside the 11/7/06 Magistrate's Order granting unspecified defendant's purported emergency motion to take deposition of plaintiff Darlington Amadasu [on November 8, 2006].
2. I was surprise to receive on Saturday, November 11, 2006 magistrate' Order granting defendant's Emergency Motion to Take Deposition of Plaintiff Darlington Amadasu.
3. I never ever received from any of the defendants any motion for leave to depose me.
4. If I had received such a motion I certainly would have filed a memorandum in opposition.
5. The unspecified defendant filed the motion to depose without serving me the motion.
6. The defendant (s) is/are engaging in trickery, fraud and deception against me.
7. The order constitutes an improper ex parte order predicated on ex parte motion.
8. The order failed to identify the specific defendant that made the motion and the date it was served. There are many defendants in this action.

9. The order was made 11/7/06 and if it was posted on 11/7/06, excluding 11/7/06, and adding 3 days, the order may be delivered on 11/10/06 pursuant to FRCP 6(e). I actually received the order on 11/11/06.
10. I habitually check my mailbox daily and I received no defendant's motion to depose me to the present.
11. Specifically, I checked for mail from 11/7/06 through 11/10/06 no order was delivered but on 11/11/06 the order was received by mail
12. On **March 28, 2002**, Plaintiff underwent gruesome deposition conducted jointly by Karen A. Carroll and Deborah R. Lydon, attorneys for all defendants, at the Law Firm of Kohnen & Patton, LLP. Accordingly, defendants had already deposed the plaintiff in this case.
13. The amended Calendar Order dated 5/23/06, prescribe more than 5 months to file and serve motion to depose
14. WHEREFORE, based on the foregoing, I pray this court to grant the relief sought herein, for fairness, due process and equal protection under the law.



Darlington Amadasu, Plaintiff, Pro se

CERTIFICATE OF SERVICE:

I hereby certify that a true copy of the foregoing was served on Karen A. Carroll, 201 E. Fifth Street, Ste.800, Cincinnati, OH 45202 and Deborah R. Lydon, 255 E. Fifth Street, Ste.1900, Cincinnati, OH 45202 by USPS mail on 11/13/06

